



Public Information Office  
**United States Courts for the Ninth Circuit**  
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**NEWS RELEASE**

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## **Court of Appeals Schedules Special Sitting at University of San Diego**

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will hold a special sitting March 4 at the University of San Diego, School of Leadership and Education Sciences. Oral arguments will be heard in the Warren Auditorium, Mother Rosalie Hill Hall, beginning at 10 a.m. A photo ID will be required to enter the courtroom.

An appellate panel consisting of Circuit Judges Sidney R. Thomas of Billings, Montana; M. Margaret McKeown of San Diego; and Senior Circuit Judge Michael Daly Hawkins of Phoenix will consider appeals of three cases decided by the federal trial court for the district of Southern California. The cases on the docket are:

- *Shames v. The Hertz Corp.*, in which Michael Shames and Gary Gramkow appeal the district court's order dismissing their claims against the California Travel and Tourism Commission (CTTC) in their putative class action alleging (1) a conspiracy to fix prices of airport rental cars in violation of the Sherman Act and of the Clayton Act and (2) violations of California's Bagley-Keene Open Meeting Act. Case 08-56750.
- *Comiskey v. Avis Budget Group*, in which Thomas Comiskey and other individuals appeal from the district court's dismissal of their complaint filed against Secretary of Business Dale Bonner and a number of passenger rental car companies operating at one or more Calif. airport locations. Plaintiffs challenged the constitutionality of California's Passenger Car Rental Industry Tourism Assessment Program, which permits companies to charge out-of-state travelers an assessment separately from the base rate. Case 09-55440.
- *FTC v. Neovi, Inc.*, in which Neovi, Inc., doing business as Qchex and others appeal the district court's order entering a permanent injunction and granting partial summary judgment in favor of the Federal Trade Commission in the FTC's action alleging that

Qchex violated the FTC Act through its operation of a service that created and delivered checks. The district court enjoined Qchex from operating its check service unless it implemented an appropriate verification procedure to assure that each user of Qchex's service was authorized to withdraw funds from the bank account designed by that user. The injunction also required Qchex to disgorge \$535,000. Case 09-55093.

The Ninth Circuit Court of Appeals hears appeals of cases decided by federal agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court normally meets monthly in Seattle, San Francisco and Pasadena, every other month in Portland, twice per year in Honolulu and once in Anchorage. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.

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